

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SAINT-LEGER

Serial No. 09/449,924

Filed: December 2, 1999



Atty. Ref.: 2365-12

Group: 1615

Examiner: Pulliam, A.

For: COSMETIC OR DERMATOLOGICAL
COMPOSITION COMPRISING AT LEAST ONE
ALKYNYL CARBAMATE AND AT LEAST ONE
POLYOL

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September 21, 2000

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE

Sir:

Responsive to the Office Action dated June 21, 2000, entry and consideration of the following remarks are requested.

The present invention concerns a cosmetic or dermatological composition, characterized in that it comprises, in a physiologically acceptable medium, at least one alkanyl carbamate of formula (I) and at least one polyol chosen from non-etherified polyols, C₁-C₁₀ (poly)alkyl or C₂-C₂₀ (poly)alkenyl polyol ethers and glycosyl polyol ethers; the polyol being saturated or unsaturated, linear, branched or cyclic, bearing or not bearing a hetero atom, and bearing or not bearing additional chemical functions chosen from carbonyl and carboxyl functions; the weight ratio of compound (I) to the polyol ranges is from 0.01 to 100.

This combination has strong and long-lasting antifungal activity. These compounds permit the preparation of a composition for eliminating dandruff from the hair and the scalp and for treating inflammatory and/or desquamating skin disorders.

It has been noted in particular that combinations of these compounds as doses at which each of their individual activities is lost, remain effective and have reinforced antifungal activity.

The Section 102 rejection of claims 1-4, 6-12 and 22 over WO 96/24329 is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following comments.

The cited document teaches a personal care composition which is especially suitable for personal cleansing of the perineal area and protection against perineal dermatitis.

The composition includes water, dimethicone, a polymeric emulsifier, a water soluble polyol, a pH adjusting agent, an anti-microbial agent and a chelating agent.

As it is disclosed at page 5, paragraph 2, the preferred anti-microbial agent includes a mixture of 1,3-bis(hydroxymethyl)-5,5-dimethylhydantoin and 3-iodo-2-propynyl butyl carbamate. In the examples, this document teaches that the composition contains about 0.2% anti-microbial agent and 1% water soluble alkylene polyol. Consequently, nothing in this document discloses specifically a composition containing an alkanyl carbamate with a polyol, wherein the weight ratio of compound (I) to the polyol ranges is from 0.01 to 100.

Thus, the cited prior art document does not disclose or suggest the present invention as claimed and withdrawal of the rejection is requested.

The Section 103 rejection of claim 5 over WO 96/24329 is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The Examiner asserts that one of ordinary skill would have been motivated to employ any polyol in the formulation disclosed by this document, with the expected results being an equally successful anti-microbial composition.

Nevertheless, the applicant submits that this document describes a composition which is used for personal cleansing of the perineal area and protection against perineal dermatitis and not for eliminating dandruff from the hair and the scalp and for treating inflammatory and/or desquamating skin disorders as claimed.

Indeed, an ordinarily skilled person would not have been motivated to prepare a composition wherein the weight ratio of compound (I) to the polyol ranges from 0.01 to 100 in order to obtain a synergic effect and a reinforced antifungal activity.

Thus, the presently claimed invention would not have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made and withdrawal of the Section 103 rejection is requested.

The Section 103 rejection of claims 1-13 and 18-22 over WO 96/24329 in combination with Merianos (U.S. Patent No. 5,552,425) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing remarks.

U.S. Patent No. 5,552,425 relates to a water soluble preservative anti-microbial composition which provides a synergistic biocidal activity containing (a) methylol compounds and (b) 3-iodo-2-propynyl carbamate, in a weight ratio of (a):(b) of 100:1 to 2000:1. This document also teaches that this composition can be used as a shampoo.

The Examiner asserts that one of ordinary skill would have been motivated to employ the composition of WO 96/24329 as a shampoo composition with the teaching of U.S. Patent No. 5,552,425.

The problem solved by this document is to obtain a water soluble preservative composition for addition to commercial use products and not a composition for eliminating dandruff from the hair and the scalp and for treating inflammatory and/or desquamating skin disorders, as claimed.

Indeed, the weight ratio of (a):(b) in composition of U.S. Patent No. 5,552,425 is about 100:1 to 2000:1. It is also mentioned that admixtures with (a):(b) ratio below 100:1 are much less synergistic.

Thus, it is not disclosed nor suggested in WO 96/24329 or U.S. Patent No. 5,552,425 to prepare a composition, wherein the weight ratio of compound (I) to the polyol ranges is from 0.01 to 100.

Consequently, the applicants considers that it was not *prima facie* obvious to one of ordinary skill in the art to prepare the claimed composition and withdrawal of the Section 103 rejection is requested.

In view of the above, the claims are submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B.J. Sadoff

Reg. No. 36,663

BJS:rdw
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100